

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM McGEE and LEE McGEE,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

CONSTANT CONTACT, INC., et al.,

Defendants.

) No. 1:15-cv-13114-MLW

) CLASS ACTION

) AFFIDAVIT OF DARREN J. ROBBINS

I, Darren J. Robbins, affirm as follows:

1. I am an attorney at law, licensed to practice in the State of California, and a member of the firm Robbins Geller Rudman & Dowd LLP (“Robbins Geller”). Robbins Geller serves as counsel to Lead Plaintiff North Collier Fire Control and Rescue District Firefighters’ Pension Plan (f/k/a North Naples Fire Control and Rescue District Firefighters’ Pension Plan) (“North Collier”) in the above-captioned action. I have personal knowledge of the facts stated in this Affidavit, and I am competent to testify to them.

I am familiar with the Monitoring Agreement, entered into by Robbins Geller and North Collier in 2014, which Robbins Geller believes contains confidential, competitively sensitive information. In particular, the Monitoring Agreement describes Robbins Geller’s proprietary processes and procedures. Robbins Geller believes that the disclosure of the entirety of the terms of the Monitoring Agreement would harm its competitive standing, as other firms attempting to offer similar services would likely attempt to utilize the information, framework and approach memorialized in the Monitoring Agreement for their own use. For these reasons, Robbins Geller is providing the Court the unredacted version of the Monitoring Agreement *in camera* for the Court’s review and respectfully requests that the Monitoring Agreement be impounded pursuant to Local Rule 7.2.

2. The Monitoring Agreement does not reference Constant Contact, Inc., the defendants in this case, the statements at issue in this case, or any other aspect of this litigation. Thus, it is Robbins Geller’s position that the Monitoring Agreement is of minimal (if any) interest to the public. *See, e.g., In re Morgan Stanley Mortg. Pass-Through Certificates Litig.*, No. 09-CV-02137 (LTS)(SN), 2013 U.S. Dist. LEXIS 127767 (S.D.N.Y. Sept. 6, 2013).

WITNESS my hand and official seal.



Notary Public, State of California

Commission expires: 10/9/23

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 18, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Court's Manual Notice List.

/s/ Ellen Gusikoff Stewart

ELLEN GUSIKOFF STEWART